



TRINITY CENTRE
115 BROADWAY, 17TH FLOOR
NEW YORK, NY 10006
TEL: (212) 566-1000
FAX: (212) 566-1068

June 30, 2020

VIA EMAIL and ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
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MEMORANDUM ENDORSED

Re: United States of America v. Miyuki Suen
Ind. No.: 18 Cr. 827 (GHW)

Dear Judge Woods:

On February 10, 2020, Ms. Suen was sentenced to a term of 366 days. Your Honor permitted her to voluntarily surrender on April 20, 2020. On March 26, 2020, given the ongoing serious health crisis regarding COVID-19, in conjunction with Ms. Suen's present, high-risk medical condition, I requested a ninety (90) days extension for Ms. Suen to surrender to her designated BOP facility or for us to gain a better understanding of status of the health crisis and its effects on inmates at the BOP. Your Honor granted my request and extended her surrender date until July 17, 2020.

Sadly, and as the Court is well aware, the COVID-19 health pandemic is not over. Quite the contrary, since my last request was made, COVID has infected and additional 9.5-million people, for 10.3-million infected people worldwide.¹ The death toll because of COVID is now over 505,000 worldwide.² By all accounts, there is no indication that this pandemic is slowing down. In fact, despite efforts to re-open our economy and return to a semblance of normalcy, the United States is experiencing its own surge of cases in several states raising the tally of infections to 2.5-million, and the death count to over 126,000.³

The CDC continues to issue guidance that individuals at higher risk of contracting COVID-19—such as adults over 60 years old and people with chronic medical conditions—to take immediate preventative actions, including avoiding crowded areas and staying home as much as possible. In particular, according to the American Diabetes Association (ADA), people with diabetes face a “higher chance of experiencing serious complications from COVID-19.”⁴ Moreover, according to the CDC, “People with asthma may be at higher risk of getting very sick from COVID-19. COVID-19 can affect your respiratory tract (nose,

¹ Coronavirus Map: Johns Hopkins Coronavirus Resource Center Map (June 30, 2020)

² *Id.*

³ *Id.*

⁴ American Diabetes Association Web Site, <https://www.diabetes.org/coronavirus-covid-19>

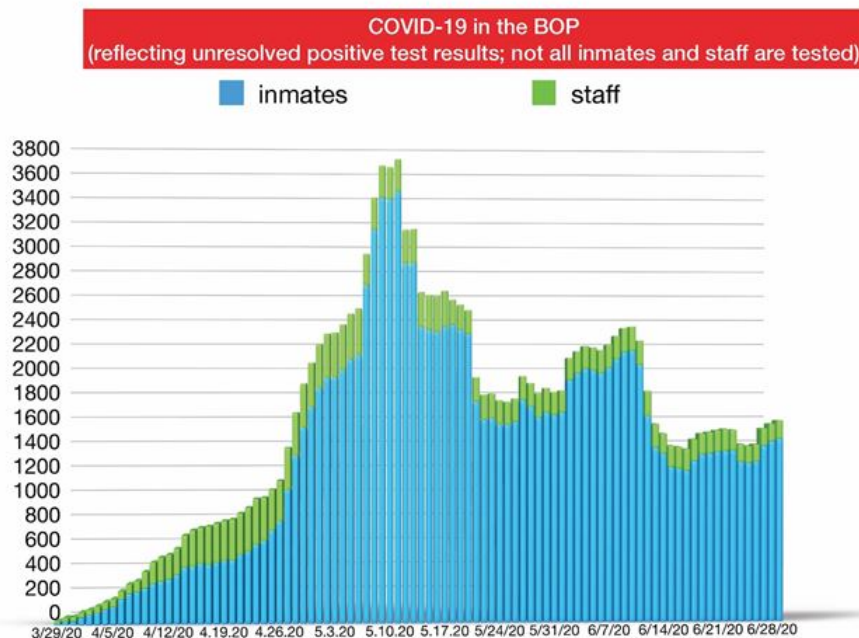


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throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease.”⁵ Ms. Suen suffers from both diabetes and asthma.

When it comes to prisons, one need to refer to the quote from a prison doctor in California, who wrote a letter to the editor of the LA Times (3/20/20) when the pandemic began, stating, “Prisons are petri dishes for contagious respiratory illnesses.” Generally, in the prisons, which consists of BOP facilities, inmates cycle in and out from all over the world and the country, and people who work in the facilities leave and return daily. While BOP has made efforts to deal with this health crisis, prisons remain dangerous places for infection, especially those who are vulnerable due to pre-existing conditions.

As of today, in the BOP, 1442 inmates, and 143 staff have tested positive for COVID-19.⁶ Since March of 2020, 5116 inmates, and 574 staff have recovered from the illness.⁷ Indeed, the numbers of infected inmates have decreased, but the numbers are now increasing⁸:



⁵ CDC Website, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Ffasthma.html

⁶ See Levittandkaiser.com

⁷ *Id.*

⁸ *Id.*



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The BOP designated Ms. Suen to report to Danbury SCP in Connecticut. Notably, Connecticut is near the top of the list of States with the highest death count – which is 4,320.⁹ In a lawsuit filed by inmates this past May, inmates claimed that “as of April 15, at least 44 prisoners and 39 staff members have COVID-19 or have tested positive. One inmate had died and at least two female prisoners had been hospitalized with severe symptoms.”¹⁰ The suit further claimed “COVID-19 infections at Danbury were in excess of 2.8% of the inmate population — among the highest concentrations of any federal prison.”¹¹

Ms. Suen is 45 years-old. As stated above, Ms. Suen suffers from, and is being treated for, Type II diabetes, asthma, as well as high cholesterol and hypertension. As a result, she has been prescribed several medications that she takes on a daily basis. Ms. Suen’s medical condition places her within the group of people the “CDC” has categorized as most-at-risk for contracting COVID-19.¹² It is therefore, my respectful request that in light of the COVID-19 health crisis, and Ms. Suen’s vulnerable medical condition, that the Court extend her surrender date 90-days to October of 2020 for her to either surrender, or for further evaluation of BOP conditions.


I have spoken to both the AUSA Daniel Nessim and her PTS Officer Marlon Ovalles. Ms. Nessim has no objection to my request. Mr. Ovalles informs me that, PTS takes no position on this request, but notes that, “Ms. Suen has remained in compliance while on Pretrial supervision.”

Thank you for your consideration.

Application granted. The surrender date for Ms. Suen is extended to October 16, 2020.

SO ORDERED.

Dated: July 1, 2020


GREGORY H. WOODS
United States District Judge

Very truly yours,

SULLIVAN | BRILL, LLP



By: Steven Brill, Esq.

⁹ Coronavirus Map: Johns Hopkins Coronavirus Resource Center Map (June 30, 2020)

¹⁰ <https://www.courant.com/coronavirus/hc-news-coronavirus-danbury-prison-inmates-win-covid-case-20200512-20200513-ohj5thmws5gxpfv3bkab2ddjqy-story.html>

¹¹ *Id.*

¹² <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>